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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,182	03/22/2001	Morteza Kalhour	Q63616	2816
22907 7590 05/17/2007 BANNER & WITCOFF, LTD. 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051			EXAMINER ISMAIL, SHAWKI SAIF	
			ART UNIT 2155	PAPER NUMBER
			MAIL DATE 05/17/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/814,182

Applicant(s)

KALHOUR, MORTEZA

Examiner

Shawki S Ismail

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-32 are presented for examination.

References in applicant's IDS form 1449 have been considered.

Acknowledgment is made of applicant's claim for foreign priority.

Claim Rejections - 35 USC §102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 1, 5-12, 16-22, and 26-32 are rejected under 35 U.S.C. 102(e) as being anticipated by **Ozkan et al., (Ozkan)** U.S. Patent No. 6,115,074.

4. As to claim 1, 12, 22, and 32 Ozkan teaches a method and a system of supplying a receiver with tuning information for provided services, comprising the following steps:

compiling a database comprising the following information items:

a plurality of service identifiers identifying said provided services (col.4, lines 3-21, Event information table contains text messages describing programs and program channels); and

a plurality of sets of tuning parameters, each of which sets is associated with a respective one of said plurality of service identifiers (col.5, lines 34-60, tuning parameters are derived by processor 60);

retrieving a set of tuning parameters for a requested service by accessing said database through one of said plurality of service identifiers (col.5, line 34-60, Processor 60 gets the tuning parameters including PTC carrier frequency, demodulation characteristics etc...); and

using said retrieved tuning parameters for tuning said receiver (col.3, lines 30-52, processor 60 uses the selection information provided to appropriately configure the elements of the digital video receiving apparatus.)

5. As to claim 5, 16, and 26, Ozkan teaches the method according to claim 1, 12, and 22, respectively, wherein

said database comprises at least two identical service identifiers (col.2, line 65 – col. 3, line 9, terrestrial, cable, satellite, internet or computer network), and

wherein the step of retrieving a set of tuning parameters comprises the additional step of selecting one of said at least two identical service identifiers in dependence on to which network said receiver is currently tuned (col. 6, line 11-41.)

6. As to claim 6, 17, and 27, Ozkan teaches the method according to claim 1, 12, and 22, respectively, wherein

said database comprises at least two identical service identifiers (col.2, line 65 – col. 3, line 9, terrestrial, cable, satellite, internet or computer network), and

wherein the step of retrieving a set of tuning parameters comprises the additional step of selecting the most recently used of said at least two identical service identifiers (col. 6, line 11-41.)

7. As to claim 7, Ozkan teaches the method according to claim 1, wherein the step of using said retrieved tuning parameters comprises the step of transferring said tuning parameters from

said database directly to said receiver (col.3, lines 30-52, processor 60 uses the selection information provided to appropriately configure the elements of the digital video receiving apparatus.)

8. As to claim 8, 18 and 28, Ozkan teaches the system and methods of claim 1, 12, 22, respectively, wherein said database is compiled in a Set Top Box (col. 3, lines 10-29, Fig. 1., digital video receiving apparatus.)

9. As to claim 9, 19, and 29, Ozkan teaches the system methods of claim 1, 12, 22, respectively, wherein the step of compiling said database comprises a channel search (col. 6, lines 11-64.)

10. As to claim 10, 20, and 30, Ozkan teaches the system and methods of claim 1, 12, 22, respectively, wherein said service identifiers relate to a Digital Video Broadcasting system (Abstract, Fig.1, col.1 lines 17-19, and col.2, lines 19-21.)

11. As to claim 11, 21, and 31, Ozkan teaches the system and methods of claim 1, 12, 22, respectively, wherein said set of tuning parameters comprises any of the following items: frequency, forward error correction, symbol rate, and packet identifier (col. 5, lines 56-61, parameters consist of frequency and PID for tuning a receiver.)

Claim Rejections - 35 USC §103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 2-4, 13-15 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ozkan et al., (Ozkan)** U.S. Patent No. 6,115,074 in view of **Wang**, U.S. Patent No. 6,675,385.

14. As to claim 2, 13, and 23 Ozkan teaches the system and methods of claim 1, 12, 22, respectively, wherein said database is compiled by a remote terminal (col.4, lines 3-21, Processor 60 assembles the program specific information into multiple hierarchically arranged and interlinked tables.) Ozkan does not explicitly teach retrieving a set of tuning parameters comprises accessing said database through a data network, preferably the Internet. Wang teaches a EPG database coupled to an EPG Manager which downloads web pages in HTML format from the Internet for inclusion in its group of generated EPG web pages and then forwards them to a data streamer for formatting col.3, line 56 – col.4, line 7.)

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Ozkan and Wang to retrieve a set of tuning parameters through a data network, preferably the internet, because The Internet gives the user the flexibility to get information from around the world in an efficient and timely manner.

15. As to claim 3, 14, and 24 OZKAN teaches the system and methods of claim 1, 12, 22, respectively. Ozkan does not explicitly teach wherein the step of retrieving a set of tuning parameters comprises the step of selecting a service identifier by means of a web browser. Wang teaches downloading EPG web pages from the rotating data carousel upon specific demand from the web browser 32 and stored in HTML in work memory 28, col.4, lines 41-61.)

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Ozkan and Wang for retrieving a set of tuning parameters

comprises the step of selecting a service identifier by means of a web browser because it gives the user the flexibility to navigate from one World Wide Website to another in whatever order they desire as well as allow them to select, retrieve and interact with resources on the web in an efficient and timely manner.

16. As to claim 4, 15, and 25, Ozkan teaches the system and methods of claim 1, 12, 22, respectively. Ozkan does not explicitly teach wherein the step of compiling said database comprises the additional step of downloading said database as a file to said receiver, preferably as an HTML file. Wang teaches a EPG database coupled to an EPG Manager which downloads web pages in HTML format from the internet for inclusion in it's group of generated EPG web pages and then forwarded to a data streamer for formatting col.3, line 56 – col.4, line7.)

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Ozkan and Wang to compile the database by downloading it as an HTML file to the receiver because HTML is the coded format language used for creating hypertext documents on the World Wide Web and controlling how Web pages appear.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawki S Ismail whose telephone number is 703-605-4362. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 703-306-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shawki Ismail
Patent Examiner
August 12, 2004



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SUPERVISORY PATENT EXAMINER